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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,447	02/10/2004	Hiroyuki Kunugi	016907-1597	1723
22428	7590	08/15/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			WALSH, RYAN D	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/774,447	KUNUGI, HIROYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan D. Walsh	2852	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

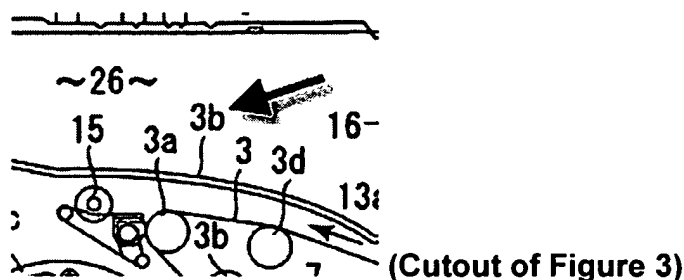
- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-10-2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 4, numbers 30,31,32,33, and 34 are not mentioned in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because reference character (3b) in figure 3, does not seem to be a roller as described on page 8, Ln. 7.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. (US Pat. # 6,075,958) in view of Ahn et al. (US Pat. # 6,564,019).

Regarding claim 1, Goto et al. teaches, "An image forming apparatus (see Title) comprising: a main unit (Fig. 2, ref. # 20) having an image forming section configured to form an image on a paper sheet; an image reading section (Fig. 2, ref. # 49) located just above the main unit, and configured to read a document image; an ejection space (Fig. 1, area near ref. # 23) defined between a bottom of the image reading section and the image forming section, the ejection space having an opening at a front of the main unit; an ejection tray cover (Fig. 2, ref.# 51) defining a bottom of the ejection space and configured to receive a paper sheet ejected from the image forming section, the ejection tray cover covering the image forming section." Goto et al. does not teach, "a recess formed in a front portion of the ejection tray cover; and a front cover configured to open and close a front of the main unit, the front cover having an upper edge, the upper edge and the recess cooperating with each other to provide a handle section when the upper edge and the recess oppose each other." However, having a recess formed in a front portion of the ejection tray cover; and a front cover configured to open and close a front

of the main unit, the front cover having an upper edge, the upper edge and the recess cooperating with each other to provide a handle section when the upper edge and the recess oppose each other is routine in the art as evident to the teaching of Ahn et al. (see figure 2, ref.# 210, recess is on ref.#210). It would have been obvious to one of ordinary skill at the time the invention was made to modify Goto et al's invention by having a recess near the front portion of the ejection tray cover to provide as a handle section.

The ordinary artisan would have been motivated to modify Goto et al's invention in a manner described above for at least the purpose of providing easier access to the inner portion of the image forming apparatus.

Regarding claim 2, Goto et al. does not teach, "wherein the recess opposes a substantially middle portion of the front cover in a width direction thereof." However, having a recess that opposes a substantially middle portion of the front cover in a width direction thereof is routine in the art as evident by the teaching of Ahn et al. (see figure 2, ref.# 210, recess is on ref.#210). It would have been obvious to one of ordinary skill at the time the invention was made to modify Goto et al's invention by having a recess in the middle portion of the front cover.

Regarding claims 4 and 5, Goto et al. does not teach, "wherein a vertical distance between an upper edge of the front cover and a bottom of the recess is not less than 0.3 mm." However, wherein a vertical distance between an upper edge of the front cover and a bottom of the recess is not less than 0.3 mm is evident from the teaching of Ahn et al. (see figure 2, ref.# 210, recess is on ref.#210). It would have been

obvious to one of ordinary skill at the time the invention was made to modify Goto et al's invention by making the vertical distance from the upper edge of the front cover, to the bottom of the recess be greater than 0.3 mm.

The ordinary artisan would have been motivated to modify Goto et al's invention in a manner described above for at least the purpose of providing an area so a users finger could fit to access the image forming apparatus.

The ordinary artisan would have been motivated to modify Goto et al's invention in a manner described above for at least the purpose of providing easier access to open the front cover.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. (US Pat. # 6,075,958) and Ahn et al. (US Pat. # 6,564,019) as applied to claim 1 above, and further in view of Stickney et al. (US Pat. # 5,884,123).

Regarding claim 3, the combination of Goto et al. and Ahn et al. teach "the recess is located between the first and second holders of the front cover," but they do not teach, "the front cover has a first holder at an end portion and a second holder, at another end portion, the first and second holders forming holding means for holding the front cover on the main unit." However, the front cover taught by Stickney et al. has a first holder at an end portion and a second holder, at another end portion, the first and second holders forming holding means for holding the front cover on the main unit (see Fig. 5, ref. # 79, displaced at either side). It would have been obvious at the time the

invention was made to modify the combination of Goto et al. and Ahn et al. by having holders displaced between the recess.


The ordinary artisan would have been motivated to modify the combination of Goto et al and Ahn et al. in a manner described above for at least the purpose of locking the front cover when the machine is in operation.

Regarding claim 6, Goto et al. does not teach, "wherein a vertical distance between an upper edge of the front cover and a bottom of the recess is not less than 0.3 mm." However, wherein a vertical distance between an upper edge of the front cover and a bottom of the recess is not less than 0.3 mm is evident from the teaching of Ahn et al. (see figure 2, ref.# 210, recess is on ref.#210). It would have been obvious to one of ordinary skill at the time the invention was made to modify Goto et al's invention by making the vertical distance from the upper edge of the front cover, to the bottom of the recess be greater than 0.3 mm.

The ordinary artisan would have been motivated to modify Goto et al's invention in a manner described above for at least the purpose of providing an area so a users finger could fit to access the image forming apparatus.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 7:00am-3:30pm.



RENEE LUEBKE  
PRIMARY EXAMINER

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh  
Patent Examiner  
Art Unit 2852